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16
17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 MARK L. MCHUGH, an individual,

21 Plaintiff,

22 v.

23 HILLERICH & BRADSBY CO., a private
24 company,

25 Defendant.

CASE NO. C 07-03677 JSW

**SUPPLEMENTAL JOINT CASE
MANAGEMENT STATEMENT AND
[PROPOSED] ORDER**

Date: January 18, 2008
Time: 1:30 p.m.
Judge: Hon. Jeffrey S. White
Courtroom 2, 17th Floor

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28 AND RELATED COUNTERCLAIMS.

1 Plaintiff/Counterclaim Defendant Mark L. McHugh (“Plaintiff” or “McHugh”) and
2 Defendant/Counterclaimant Hillerich & Bradsby Company (“Defendant” or “H&B”) jointly submit
3 this Supplemental Joint Case Management Statement pursuant to Judge White’s Civil Minute Order
4 of January 18, 2008. Plaintiff and Defendant are collectively referred to herein as the “Parties.”

5 This Supplement Joint Case Management Statement incorporates and supplements the Initial
6 Joint Case Management Statement and [Proposed] Order, submitted January 11, 2008, and Judge
7 White’s Civil Minute Order of January 18, 2008.

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9 **12. SETTLEMENT AND ADR**

10 An Early Settlement Conference before Magistrate Judge Laporte occurred on March 21,
11 2008 (“Settlement Conference”) pursuant to the Notice of Settlement Conference and Settlement
12 Conference Order of January 28, 2008, the Notice of Continuance of Settlement Conference, dated
13 February 4, 2008, and pursuant to Judge White’s Civil Minute Order of January 18, 2008. The
14 Parties participated in the Settlement Conference in good faith but were unable to reach an agreement
15 regarding a settlement. Based on the current positions of the Parties, the Parties believe that a further
16 settlement conference prior to the issuance of a claim construction ruling of certain claim terms in the
17 asserted claims of U.S. Patent No. 5,806,091 (the “’091 Patent”) would not serve the interests of the
18 Parties at the present time.

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20 **17. SCHEDULING**

21 Pursuant to Judge White’s Civil Minute Order of January 18, 2008, the Court adopted the
22 Parties’ claim construction schedule set forth in the Parties’ Joint Case Management Statement and
23 [Proposed] Order, submitted January 11, 2008, with the following changes:

24 Claim Construction Tutorial: August 19, 2008 at 2:00 p.m.;

25 Claim Construction Hearing: August 26, 2008 at 2:00 p.m.

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Pursuant to Judge White's Civil Minute Order of January 18, 2008, the claim construction briefing schedule is set as follows:

Event	Currently Scheduled Date
Plaintiffs serve Opening Claim Construction Brief (Patent L.R. 4-5(a))	July 3, 2008
Defendant serves Responsive Claim Construction Brief (Patent L.R. 4-5(b))	July 17, 2008
Plaintiffs serve Reply Claim Construction Brief (Patent L.R. 4-5(c))	July 28, 2008

Plaintiff proposes and requests (which Defendant does not oppose) that the Court modify the claim construction briefing schedule by one week as follows:

Event	Proposed Date
Plaintiffs serve Opening Claim Construction Brief (Patent L.R. 4-5(a))	July 10, 2008
Defendant serves Responsive Claim Construction Brief (Patent L.R. 4-5(b))	July 24, 2008
Plaintiffs serve Reply Claim Construction Brief (Patent L.R. 4-5(c))	August 4, 2008

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20. OTHER MATTERS

The Parties do not have any additional issues to address with the Court at this time.

Respectfully submitted,

Dated: April 11, 2008

CARR & FERRELL LLP

By: /s/ Christopher P. Grewe

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MARK L. MCHUGH

Dated: April 11, 2008

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HILLERICH & BRADSBY CO.

CASE MANAGEMENT ORDER

The Supplemental Joint Case Management Statement and Proposed Order is hereby adopted by the Court and the Parties are ordered to comply with this Order. In addition the Court orders:

Dated: _____

HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

GENERAL ORDER 45 ATTESTATION OF SIGNATURES

I, Christopher P. Grewe, attest that the concurrence in the filing of this document has been obtained from the other signatory, which shall serve in lieu of her signature.

By: /s/ Christopher P. Grewe
CHRISTOPHER P. GREWE